



## UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/549,811	FIRST NAMED APPLICANT Chikara Ohyama	ATTY. DOCKET NO. Q74728
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INTERNATIONAL APPLICATION NO. PCT/US04/06085
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I.A. FILING DATE 03/19/2004	PRIORITY DATE 03/19/2003
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23373  
SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20037

**DOCKETED****JUN 16 2006**

CONFIRMATION NO. 1462  
371 FORMALITIES LETTER  
\*OC000000019250962\*

Date Mailed: 06/14/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/19/2005
- Copy of the International Search Report filed on 09/19/2005
- Information Disclosure Statements filed on 09/19/2005
- Request for Immediate Examination filed on 09/19/2005
- Copy of references cited in ISR filed on 09/19/2005
- U.S. Basic National Fees filed on 09/19/2005
- Priority Documents filed on 09/19/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

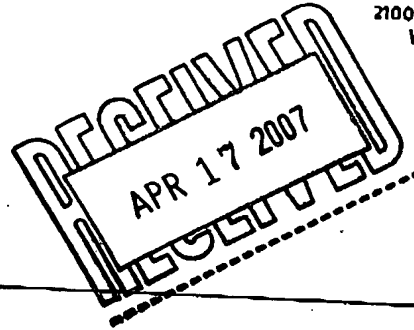
MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/549,811	PCT/US04/06085	Q74728

FORM PCT/DO/EO/905 (371 Formalities Notice)



2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213  
T 202.293.7060  
F 202.293.7860

www.sughrue.com

**FAX**

Date April 17, 2007  
To Extension 227  
Of International Applications Branch (DO/EO/US) of USPTO  
Fax 703-305-3230  
From Mark Boland  
L. Raul Tamayo  
Subject Correction To Papers Originally Filed September 14, 2006  
Our Ref Q74728  
Conf No 1462  
Pages 73 (including cover sheet)

Appln No 10/549,811  
Inventors Chikara OHYAMA, et al.

Please call attention to problems with this transmission by return fax or telephone. Thank you.

THE INFORMATION CONTAINED IN THIS COMMUNICATION IS CONFIDENTIAL, MAY BE ATTORNEY-CLIENT PRIVILEGED, AND IS INTENDED ONLY FOR THE USE OF THE ADDRESSEE. UNAUTHORIZED USE, DISCLOSURE OR COPYING IS STRICTLY PROHIBITED AND MAY BE UNLAWFUL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US.

This fax filing includes:

1. This cover sheet;
2. Correction To Papers Filed September 14, 2006;
3. Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) with a copy of the executed Declaration and Power of Attorney, copy of "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)", and copy of check no. 306539 in the amount of \$130.00;
4. Petition for Extension of Time (with copy of check no. 306540 in the amount of \$120.00);
5. Copy of an executed Assignment with PTO Form 1595 and copy of check no. 306541 in the amount of \$40.00;
6. Submission of Drawings (with 5 sheets of drawings); and
7. Information Disclosure Statement (with a copy of Communication from a foreign patent office, references and PTO/SB/08 A & B (modified)).

#### CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Extension 227 at the International Applications Branch (DO/EO/US) of the USPTO on April 17, 2007 at 703-305-3230.

Respectfully submitted,

  
L. Raul Tamayo

2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

T 202.293.7060

F 202.293.7860

www.sughrue.com

**FAX**

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Date April 17, 2007

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Of International Applications Branch (DO/EO/US) of USPTO

Fax 703-305-3230

From Mark Boland  
L. Raul Tamayo

Subject Correction To Papers Originally Filed September 14, 2006

Our Ref Q74728                      Appln No 10/549,811

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7. Information Disclosure Statement (with a copy of Communication from a foreign patent office, references and PTO/SB/08 A & B (modified)).

#### CERTIFICATION OF FACSIMILE TRANSMISSION

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Extension 227 at the International Applications Branch (DO/EO/US) of the USPTO on April 17, 2007 at 703-305-3230.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Raul Tamayo'.

L. Raul Tamayo

**PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q74728

Chikara OHYAMA, et al.

Appln. No.: 10/549,811

Group Art Unit: 1642

Confirmation No.: 1462

Examiner: unknown

Filed: September 19, 2005

For: METHOD FOR DETECTING PROGNOSIS OF CANCER

**CORRECTION TO PAPERS FILED SEPTEMBER 14, 2006**

**MAIL STOP PCT (DO/EO/US)**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

It has come to Applicants' attention that the following papers as submitted on September 14, 2006, included the wrong application number (10/254,981 instead of 10/549,811):

1. Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) with a copy of the executed Declaration and Power of Attorney, copy of "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)", and check no. 306539 in the amount of \$130.00;
2. Petition for Extension of Time (with check no. 306540 in the amount of \$120.00);
3. Copy of an executed Assignment with PTO Form 1595 and check no. 306541 in the amount of \$40.00;
4. Submission of Drawings (with 5 sheets of drawings); and
5. Information Disclosure Statement (with a copy of Communication from a foreign patent office, references and PTO/SB/08 A & B (modified)).

Only the application number in the above papers submitted September 14, 2006, is incorrect. Other information, including the confirmation no., attorney docket no., filing date, etc. is correct. The undersigned contacted the International Applications Branch (DO/EO/US) at 703 308 9140 (ext. 227) on April 17, 2007, and was advised to resubmit all papers filed September 14, 2006, with a statement indicating the error in the application no.


CORRECTION TO PAPERS FILED SEPTEMBER 14, 2006  
U.S. Application No. 10/549,811

Attorney Docket Q74728

Applicants are resubmitting the papers as requested, with a mark-up to show the error in the application no. For the convenience of the Office, Applicants are also submitting clean copies of the same papers submitted September 14, 2006, except with the correct application number.

No fee is believed to be necessary in connection with the resubmission of April 17, 2007. In this regard, the undersigned confirmed that check nos. 306539, 306540, and 306541 for the Petition of Extension of Time, Late Declaration Surcharge, and Assignment recordation, respectively, have all been cashed. However, if it is found to be to the contrary, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Mark Boland  
Registration No. 32,197

REG. NO.  
47,125

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

65565

CUSTOMER NUMBER

Date: April 17, 2007

73



**FILING RECEIPT**  
**PLEASE DATE STAMP AND RETURN TO US - BOX 235X**

In re application of

Chikara OHYAMA, et al.

Appln. No.: ~~10/254,981~~ 10/549,811

Group Art Unit: unknown

Confirmation No.: 1462

Examiner: unknown

Filed: September 19, 2005

For: METHOD FOR DETECTING PROGNOSIS OF CANCER

**PAPER(S) FILED ENTITLED:**

1. Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (in duplicate) with a copy of the executed Declaration and Power of Attorney, copy of "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)", and a check in the amount of \$130.00
2. Petition for Extension of Time (in duplicate with a check in the amount of \$120.00)
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5. Information Disclosure Statement (with a copy of Communication from a foreign patent office, references and PTO/SB/08 A & B (modified))

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

DOCKET NO.: Q74728  
ATTORNEY/SEC: Mark Boland/tnt  
Date Filed: September 14, 2006

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q74728

Chikara OHYAMA, et al.

Appln. No.: ~~10/254,981~~ 0/349,811

Group Art Unit: unknown

Confirmation No.: 1462

Examiner: unknown

Filed: September 19, 2005

For: METHOD FOR DETECTING PROGNOSIS OF CANCER

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN  
THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

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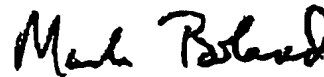
Alexandria, VA 22313-1450

Sir:

In response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," for the above application, Applicant respectfully submits herewith a copy of the Declaration for the above identified application properly executed by the inventors.

A check for the statutory fee of \$130.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

Mark Boland  
Registration No. 32,197

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

Date: September 14, 2006